

### REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-8 and 43-47 are pending in the application, with claims 1 and 43 being independent.

Claims 10-42 were previously withdrawn without prejudice to or disclaimer of the subject matter recited therein.

Claim 9 is canceled herein without prejudice to or disclaimer of the subject matter recited therein.

Claims 1, 8, and 43 are amended herein. Amendments have been made throughout the claims to correct grammatical errors and other informalities found therein. Applicant has newly added Claim 47. Support for the subject matter recited in Claim 47 and the claim amendments and additions can be found in the original disclosure. No new matter has been added.

### DRAWING OBJECTIONS

Figure 1 was objected to pursuant to MPEP § 608.02(g) for allegedly illustrating only old art. The drawings are amended herein and replacement drawings are hereby submitted to address the informalities noted in the Office Action. Accordingly, Applicant respectfully requests withdrawal of the drawing objection.

### **CLAIM OBJECTIONS**

Claims 8 and 9 were objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 8 is amended herein to address the informalities noted in the Office Action. Claim 9 is hereby canceled without prejudice to or disclaimer of the subject matter recited therein. Accordingly, Applicant respectfully requests withdrawal of the claim objections.

### **§ 101 REJECTIONS**

Claims 8, 9, 43, and 44 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 8 and 43 are amended herein to recite statutory subject matter pursuant to 35 U.S.C. § 101. Dependent Claim 44, as amended, by virtue of its dependency on independent Claim 43, also recites statutory subject matter. Claim 9 is hereby canceled without prejudice to or disclaimer of the subject matter recited therein. Applicant respectfully traverses the rejection.

### **§ 102 REJECTIONS**

Claims 1-9 and 43-46 were rejected under 35 U.S.C. § 102(e) as being anticipated by England (U.S. Patent No. 7,203,310; hereinafter, "England"). Applicant respectfully traverses the rejection and further requests that the rejection be reconsidered and withdrawn. Applicant will address the claims in the same order as set forth in the Office Action.

Nevertheless, without conceding the propriety of the rejections and in the interest of expediting allowance of the application, Applicant has amended independent Claims 1 and 43, canceled dependent Claim 9, and has set forth arguments distinguishing the claimed subject matter from England. Support for the claim amendments can be found in the original disclosure.

England is directed to, and discloses, methods and systems for cryptographically protecting secure content in connection with a graphics subsystem of a computing device. Further, England discloses techniques to encrypt the contents of video memory to avoid access by unauthorized software and a mechanism for tamper protection.

England does not, however, disclose, or even suggest, each and every limitation of independent Claim 1, as required by MPEP § 2131 to support a rejection under 35 U.S.C. § 102(e). For example, Claim 1 recites “[a] method comprising: establishing a secure communication channel between a media playback application and a component downstream from the media playback application.” On the other hand, the portion of England cited in the Office Action (pages 7-8) discloses a method in which encrypted premium content is passed to or generated by a trusted software application. England further discloses that such content is passed from the system or host memory to the video memory for processing by the GPU (Col. 11, lines 11-44). What England fails to disclose or suggest, however, is the existence of a media playback application, as presently recited in Claim 1. Because England discloses only a trusted software application, which is distinct from a media playback application, it logically flows that England also cannot disclose establishing a secure communication channel between the

media playback application and a downstream component, as presently recited in Claim

1. This distinction, in and of itself, renders independent Claim 1 allowable over England.

Claim 1 further recites “using the secure communication channel to at least enable the media playback application to instruct the downstream component to enable one or more of a number of different types of content protection technologies to protect media content that is provided over a physical connector to an output device,” as presently amended. England, however, neither discloses nor suggests this limitation. For instance, England does not disclose enabling the media playback application to instruct the downstream component to enable one or more of a number of different types of content protection technologies, as presently recited in Claim 1. Rather, England teaches encrypted premium content that is either passed to or generated by a trusted software application and subsequently passing such content from the system or host memory to the video memory for processing by the GPU. It simply does not disclose instructing a downstream component, such as, for example, driver software or hardware, to enable a type of content protection technology to protect media content, as presently recited in Claim 1.

Additionally, England fails to disclose “media content that is provided over a physical connector to an output source,” as recited in amended Claim 1. Although England teaches passing encrypted premium content to the GPU, it does not, however, disclose passing such content over a physical connector to an output source, such as, for example, a display device or speakers. Without disclosing each of the foregoing limitations, England cannot anticipate independent Claim 1. Accordingly, for at least the

foregoing reasons, Applicant respectfully requests that independent Claim 1 is allowable over England and that the rejection under 35 U.S.C. § 102(e) be withdrawn.

For at least the foregoing reasons, England also fails to anticipate independent Claim 43. Claim 43 recites:

A system, comprising:

means for establishing a secure communication channel between a media playback application and a component downstream from the media playback application; and

means for using the secure communication channel to at least enable the media playback application to instruct the downstream component to enable one or more of a number of different types of content protection technologies to protect media content that is provided over a physical connector to an output device.

As noted above, England fails to disclose, or even suggest, a media playback application, means for establishing a secure communication channel between a media playback application and a downstream component, means for using the secure communication channel to at least enable the media playback application to instruct the downstream component to enable one or more of a number of different types of content protection technologies to protect media content, and media content that is provided over a physical connector to an output device, as presently recited in Claim 43, as amended. Therefore, for at least the reasons set forth above, England does not anticipate independent Claim 43.

Dependent Claims 2-8 depend from independent Claim 1 and dependent Claims 44-47 depend from independent Claim 43. Each dependent claim is allowable by virtue of their dependency, as well as for the additional features that they each recite. Applicant also respectfully requests individual consideration of each dependent claim.

Therefore, for at least the foregoing reasons, it is respectfully submitted that Claims 1-8 and 43-47 are not anticipated by England, and therefore, the present rejection under 35 U.S.C. § 102(e) should be withdrawn.

**§ 103 REJECTIONS**

Claims 1-9 and 43-46 were rejected under 35 U.S.C. § 103(a) as being obvious over a publication entitled "Hardware Platform for Next-Generation Secure Computing Base" (hereinafter "NGSCB") in view of Davis (U.S. Patent No. 5,825,879; hereinafter "Davis"). Applicant respectfully traverses the rejection and further requests that the rejection be reconsidered and withdrawn. Furthermore, without conceding the propriety of the rejections and in the interest of expediting allowance of the application, Applicant has amended independent Claims 1 and 43 in an effort to further distinguish the claimed subject matter from NGSCB and Davis. Applicant has further canceled dependent Claim 9. Applicant will address the claims in the same order as set forth in the Office Action.

NGSCB is directed to and discloses a combination of new hardware and operating system features that a user may enable on his or her computer. With NGSCB-enabled computers, a user may work within the normal operating system environment or they can choose to run critical processes by using NGSCB-enabled components that exist in a separate, protected operating environment. Furthermore, to create such an environment, NGSCB-enabled computers require new hardware and software. In other words, NGSCB describes an add-on environment that supports a separate set of enhanced security services (page 3).

However, the subject matter recited in independent Claim 1 is distinct from the method described above. Instead of creating a new environment with enhanced security, including the installation of new hardware and software, as disclosed in NGSCB, Claim 1 rather recites a method where a secure communication channel is established between a media playback application and a component downstream from the media playback application. Subsequently, the media playback application instructs the downstream component to enable one or more content protection technologies to protect media content that is provided over a physical connector to an output device, as presently recited. Therefore, the recited subject matter and NGSCB pertain to different arts and, accordingly, Claim 1 is distinct from that disclosed in NGSCB.

Additionally, for at least the following reasons, NGSCB fails to teach or disclose each and every limitation of independent Claim 1. For example, NGSCB neither discloses nor suggests “using the secure communication channel to at least enable the media playback application to instruct the downstream component to enable one or more of a number of different types of content protection technologies to protect media content that is provided over a physical connector to an output device,” as presently recited in Claim 1. On the other hand, NGSCB describes a security support component (“SSC”) that primarily performs certain cryptographic operations and stores cryptographic keys used to run the NGSCB-enabled protected operating environment (pages 6-7). A media playback application is distinct from the SSC, as described in NGSCB, because the media playback application instead is enabled to instruct a downstream component to enable certain content protection technologies, as presently recited in Claim 1. NGSCB discloses

neither the existence of a media playback application nor a secure communication channel between the SSC, as described in NGSCB, and a downstream component.

NGSCB further fails to disclose or suggest protecting media content that is provided over a physical connector to an output device, as presently recited in amended Claim 1. NGSCB discloses securing data, graphics adapters and other secure video hardware and software, however, such data is not provided over a physical connector to an output device, such as, for example, a video display device or audio speakers. In fact, NGSCB fails to mention physical connectors or output devices altogether. Accordingly, for at least the foregoing reasons, Claim 1 is allowable over NGSCB.

Although the Office Action acknowledges that NGSCB does not explicitly disclose “enable one or more of a number of different types of content protection technologies,” as presently recited in Claim 1, Davis allegedly teaches this limitation (Office Action, page 5). Davis is directed to and discloses a secure video content processor which receives encrypted digital video information and converts it into analog information while preventing unauthorized access to the intermediate unencrypted digital data. However, Davis does not remedy the deficiencies in NGSCB noted above with respect to Claim 1. For instance, Davis neither discloses nor suggests the existence of a media playback application nor a secure communication channel between said media playback application and a downstream component, as presently recited in Claim 1. Davis further fails to disclose enabling the media playback application to instruct the downstream component to enable one or more of a number of different types of content protection technologies to protect media content that is provided over a physical connector to an



output device, as recited in Claim 1, as amended. Moreover, because the proposed combination lacks the limitations noted above, it would not have been obvious for one of ordinary skill in the art to combine NGSCB and Davis. As a result, independent Claim 1 is allowable over both NGSCB and Davis, either singularly or in combination with one another.

As noted above, independent Claim 43 recites, in part:

means for establishing a secure communication channel between a media playback application and a component downstream from the media playback application; and

means for using the secure communication channel to at least enable the media playback application to instruct the downstream component to enable one or more of a number of different types of content protection technologies to protect media content that is provided over a physical connector to an output device.

The arguments presented with regard to why Claim 1 is allowable over both NGSCB and Davis, either singularly or in combination with one another, also applies to Claim 43. NGSCB and Davis simply do not disclose the foregoing recitations of Claim 43. Furthermore, because the proposed combination lacks at least the foregoing limitations, it would not have been obvious for one of ordinary skill in the art to combine NGSCB and Davis. Accordingly, Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) with respect to independent Claim 43 be withdrawn.

Thus, NGSCB and Davis, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose or suggest the features of independent Claims 1 and 43. Accordingly, Applicant respectfully submits that independent Claims 1 and 43 are allowable.

As Dependent Claims 2-8 depend from independent Claim 1 and dependent Claims 44-47 depend from independent Claim 43, each of these dependent claims is allowable by virtue of their dependency, as well as for additional features that each claim recites. Applicant also respectfully requests individual consideration of each dependent claim.

Therefore, for at least the foregoing reasons, it is respectfully submitted that Claims 1-8 and 43-47 are not obvious over NGSCB in view of Davis, and therefore, the present rejections under 35 U.S.C. § 103(a) should be withdrawn.

**CONCLUSION**

For at least the foregoing reasons, Claims 1-8 and 43-47 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

The arguments and amendments presented herein were necessitated by the most recent Office Action. If any issue remains unresolved that would prevent allowance of this case, Applicant requests that the Examiner contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

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